UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,275	12/03/2003	Gabriel Aaron Cohen	RSW920030245US1	5980

7590 04/12/2007

Jerry W. Herndon
IBM Corporation T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER	
OSBERG, THUY THANH	
ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/727,275	COHEN ET AL.	
	Examiner	Art Unit	
	Thuy Osberg	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/03/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the original application filed 12/03//2003.

This action is **Non-Final**. Claims 1-21 are pending and have been examined.

Claim Rejections - 35 USC § 101

2. **35 U.S.C. 101 reads as follows:**

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to claim 1, a "computer-readable medium" is being recited; however, as disclosed by the specification sections, the Applicant has provided evidence that the Applicant intends the "medium" to include signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

As such, claims 2-6 are rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cascio et al (US Pub 2002/0091818), hereinafter "Cascio".

> *The Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the Applicant. Although the specified citations are representation of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the Applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

As claim 1, Cascio teaches a computer-readable medium whose contents cause a computer system (fig. 1, label 30; par [0044]) to recognize a character based user interface having a plurality of host component types and to transform the character based user interface to a web enabled user interface (Abstract; par [0026]; par [0047]; par [0052]; par [0075]), the computer system having instructions to perform the steps of (par [0044]; par [0047]):

scanning the character based user interface by a plurality of agents (par [0047]; fig. 7; par [0055]; par [0075], that the program will scan for textural patterns);
determining which host component types exist in the character based user interface (par [0025]; par [0072], that by comparing the data against rules), each agent determining the existence of a different host component type from the other agents (par [0025]; par [0072], that by comparing the data against rules);
defining a match region for each host component type found to exist by an agent in the character based user interface (par [0025]);
determining whether two or more match regions overlap (fig. 6; par [0058]; par [0072]-[0073]; par [0076]-[0077], that by comparing complex data components (windows or objects) against rules will determine if regions/areas overlap);
and rendering match regions associated with each agent to compose the web enabled user interface (Abstract; par [0025]-[0026]; par [0047]; par [0052]; par [0075]).

As claim 2, Cascio further teaches:
rendering each match region as a widget, the widgets composing a formatted output page (Abstract; par [0047]).

As claim 3, Cascio further teaches comprising a step before the rendering step, the step comprising:
resolving a conflict between two or more match regions which overlap based on a policy to determine which agent associated with a match region controls the overlap region (par [0052]; par [0072]-[0073]; par [0076]-[0077]), that by comparing complex data against the rules and invoking an application designated by the rule).

As claim 4, Cascio further teaches the policy comprises the steps of:
assigning a predetermined priority to each agent (fig. 6; par [0065]; par [0072]-[0073], that by having the ability to edit and assigning the order (priority) of the components in the rules based in the order they are checked);
comparing the predetermined priority of the two or more conflicting agents (par [0072]-[0073], that by comparing the complex data against rules will also determine the order (priority) of the components);
and selecting the agent with the highest predetermined priority to control the overlapping region (par [0052], that by invoking an application designated by the rule will assume).

As claim 5, Cascio further teaches the policy comprises the steps of:
comparing the size of the conflicting regions which overlap (fig. 9, labels 920, 930; par [0062]-[0064] par [0072]-[0073], that by comparing the complex data against rules);
and selecting the agent having the smaller size region to control the overlapped region (par [0052]; par [0077], that by invoking an application designated by the rule to extract and display the area/region in a new format).

As claim 6, Cascio further teaches the policy comprises the steps of:
assigning a dynamic priority to each conflicting region having a common overlapping region (fig. 6; par [0065]; par [0072]-[0073], that by having the ability to edit and assigning an attribute (priority) in the rules), the dynamic priority based on the projected amount of time expended to render each conflicting region (fig. 6; par [0072]-[0073], that by assigning the order of the components in the rules based in the order they are checked);

and selecting the agent controlling the conflicting region having the highest priority to retain control over the overlapping region (fig. 6; par [0052]; par [0072]-[0073], that by checking components based on the rules will determent when the control is turned over to a component).

As claim 7, Cascio further teaches the conflicting agents negotiate whether to relinquish control of at least the overlap region (fig. 6; par [0052]; par [0072]-[0073], that by checking components based on the rules will determent when the control is turned over to a component).

As claim 15, Cascio teaches a method (par [0044]) for recognizing a character based user interface having a plurality of host component types and transforming the character based user interface to a web enabled user interface (Abstract; par [0026]; par [0047]; par [0052]; par [0075]), the method comprising:

scanning the character based user interface by a plurality of agents (par [0047]; fig. 7; par [0055]; par [0075], that the program will scan for textural patterns);

determining which host component types exist in the character based user interface (par [0072]-[0073]; par [0076]-[0077], that by comparing complex data components (windows or objects) against rules will determine which host components are available), each agent determining the existence of a different host component type from the other agents (par [0072]-[0073]; par [0076]-[0077], that by comparing complex data components (windows or objects) against rules will determine which host components are available);

defining a match region for each host component type found to exist by an agent in the character based user interface (par [0025]; par [0072]-[0073], that by comparing complex data against the rules);

determining whether two or more match regions overlap (fig. 6; par [0058]; par [0072]-[0073]; par [0076]-[0077], that by comparing complex data components (windows or objects) against rules will determine if regions/areas overlap);

and rendering match regions associated with each agent to compose the web enabled user interface (Abstract; par [0025]; par [0026]; par [0047]; par [0052]; par [0075]).

As claim 16, Cascio further teaches:

rendering each match region as a widget, the widgets composing a formatted output page (Abstract; par [0047]).

As claim 17 Cascio further teaches a step before the rendering step, the step comprising:

resolving a conflict between two or more match regions which overlap based on a policy to determine which agent associated with a match region controls the overlap region (par [0052]; par [0072]-[0073]), that by comparing against rules and invoking an application designated by the rule).

As claim 18, Cascio further teaches the policy comprises the steps of: assigning a predetermined priority to each agent;

comparing the predetermined priority of the two or more conflicting agents (fig. 6; par [0058]; par [0072]-[0073]; par [0076]-[0077], that by comparing complex data components (windows or objects) against rules in a prioritized manor);

and selecting the agent with the highest predetermined priority to control the overlapping region (par [0052], that by invoking an application designated by the rule will assume control).

As claim 19, Cascio further teaches:

comparing the size of the conflicting regions which overlap (fig. 9, labels 920, 930; par [0062]-[0064] par [0072]-[0073], that by comparing complex data against the rules);

and selecting the agent having the smaller size region to control the overlapped region (par [0052], that by invoking an application designated by the rule).

As claim 20, Cascio further teaches the policy comprises the steps of:

assigning a dynamic priority to each conflicting region having a common overlapping region (fig. 6; par [0065]; par [0072]-[0073], that by having the ability to edit and assigning attribute (time) in the rules), the dynamic priority based on the projected amount of time expended to render each conflicting region (fig. 6; par [0072]-[0073], that by assigning the order of the components in the rules based in the order they are checked);

and selecting the agent controlling the conflicting region having the highest priority to retain control over the overlapping region (fig. 6; par [0052]; par [0072]-[0073], that by checking components based on the rules will determent when the control is turned over to a component).

As claim 21, Cascio further teaches the conflicting agents negotiate whether to relinquish control of at least the overlap region (fig. 6; par [0052]; par [0072]-[0073], that by checking components based on the rules will determent when the control is turned

over to a component).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cascio in view of DaCosta et al. (US Pub 2002/0120725), hereinafter "DaCosta".

As claim 8, Cascio teaches a computer system (fig. 1, label 30; par [0044]) for recognizing a character based user interface having a plurality of host component types and transforming the character based user interface to a web enabled user interface (Abstract; par [0026]; par [0047]; par [0052]; par [0075]), comprising:

a memory (fig. 1, label 28; par [0038]; line 18) comprising a plurality of agent objects to scan the character based user interface (par [0047]; fig. 7; par [0055]; par [0075], that the program will scan for textural patterns), each agent object determining the existence of a different host component type from the other agents (par [0025]; par [0072], that by comparing the data against rules), each agent object defining a match region for each host component type found to exist in the character based user interface (par [0025]), each agent object rendering its associated match region to compose the web enabled user interface (Abstract; par [0025]; par [0026]; par [0047]; par [0052]; par [0075]);

and a processor for running the plurality of agent objects (fig. 1, label 12; par [0038], line 6).

Cascio does not teach the computer system having an anti-virus program.

However, DaCosta teaches the computer system having an anti-virus program (par [0008]-[0009], that it is inherent that there is anti-virus program in the computer system to able to be updated). Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Cascio by teaching the computer system having an anti-virus program as taught by DaCosta in order to provide a secured software environment in the computer system and protecting against current threats (e.g., viruses).

As claim 9, Cascio further teaches each agent rendering each match region as a widget, the widgets composing a formatted output page (Abstract; par [0047]).

As claim 10, Cascio further teaches:

an agent manager for determining whether two or more match regions overlap (fig. 6; par [0044]; par [0072]-[0073], that by comparing complex data against the rules).

As claim 11, Cascio further teaches two or more agents resolve a conflict between two or more overlapping match regions based on a policy to determine which agent associated with one match region controls the overlap region, the processor running the policy (par [0052]; par [0044]; par [0072]-[0073]), that by comparing rules and invoking an application designated by the rule and running by processor).

As claim 12, Cascio further teaches the policy executed by the processor comprises:

assigning a predetermined priority to each agent (fig. 6; par [0065]; par [0072]-[0073], that by having the ability to edit and assigning the order of the components in the rules based in the order they are checked);

comparing the predetermined priority of the two or more conflicting agents (par [0072]-[0073], that by comparing complex data against the rules);

and selecting the agent with the highest predetermined priority to control the overlapping region (par [0052], that by invoking an application designated by the rule will assume).

As claim 13, Cascio further teaches the policy executed by the processor comprises:

comparing the size of the conflicting regions which overlap (fig. 9, labels 920, 930; par [0062]-[0064] par [0072]-[0073], that by comparing complex data against the rules);

and selecting the agent having the smaller size region to control the overlapped region (par [0052], that by invoking an application designated by the rule).

As claim 14, Cascio further teaches the policy executed by the processor comprises:

assigning a dynamic priority to each conflicting region having a common overlapping region (fig. 6; par [0065]; par [0072]-[0073], that by having the ability to edit and assigning attribute (time) in the rules), the dynamic priority based on the projected amount of time expended to render each conflicting region (fig. 6; par [0072]-[0073], that by assigning the order of the components in the rules based in the order they are checked);

and selecting the agent controlling the conflicting region having the highest priority to retain control over the overlapping region (fig. 6; par [0052]; par [0072]-[0073], that by checking components based on the rules will determent when the control is turned over to a component).

Conclusion

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO